IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 33536 of 2006(P)

PETITIONER:

G.RAJESH, AGED 34 YEARS,
S/O. P.GOPALAN, CHEETHAKODU HOUSE,
PUNNAPRA, H.S.S.T. JUNIOR(HINDI),
ARAVUKAD HIGHER SECONDARY SCHOOL,
PUNNAPRA P.O., ALLEPPEY.

BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY TO THE GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, SECRETARIAT,
TRIVANDRUM.

2. THE DIRECTOR OF HIGHER SECONDARY
EDUCATION, HOUSING BOARD BUILDING,
SHANTHI NAGAR, TRIVANDRUM.

3. THE REGIONAL DIRECTOR OF HIGHER
SECONDARY EDUCATION, TRIVANDRUM.

4. P.T.SUMITHRAN,
MANAGER, ARAVUKAD HIGHER SECONDARY SCHOOL,
PUNNAPRA P.O., ALLEPPEY.

5. THE PRINCIPAL,
ARAVUKAD HIGHER SECONDARY SCHOOL,
PUNNAPRA P.O., ALLEPPEY.

BY GOVT. PLEADER SRI. A.J. VARGHESE.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No. 33536 OF 2006

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Dated this the 21st day of December, 2006

JUDGMENT

Case of the petitioner is as follows:

Petitioner is appointed by transfer by the fourth respondent acting as Manager. It is not approved due to management dispute. According to the petitioner, though the appointment of the Manager was subsequently found defective, that will not affect the right of the petitioner. He also relies on the defacto doctrine. He would further submit that in fact the management dispute has been settled and he relies on Ext.P7 in this regard.

Whatever that be, the writ petition is disposed of directing the second respondent to consider and take a decision in accordance with law on the question of approval of appointment of the petitioner in regard to Ext.P2 within a period of two months from the date of receipt of a copy of this judgment after hearing all the affected parties including any person who has a claim to management.

(K.M. JOSEPH, JUDGE)

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K.M.JOSEPH, JJ.

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W.A. No. OF

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JUDGMENT

Dated this the day of February, 2006.